

### **REMARKS**

Applicant acknowledge receipt of the office action dated April 17, 2005, in which the Examiner entered the election of Species A; rejected claims 1, 4-9, and 11-22 as obvious in view of the combination of Boonzaier (US 6378733), Moran et al. (US 20020112984), and Wood (US 4762525); and rejected claim 53 as obvious over the combination of Boonzaier, Moran, and Wood with Stahlecker et al. (5620135);

Claims 23-52 remain withdrawn as relating to an unelected species.

Applicant has not amended the claims, but respectfully traverses the rejections for the reasons set out below.

Claims 1, 4-9, 11-17, and 19-22<sup>1</sup> are not obvious in view of the combination of Boonzaier, Moran, and Wood

First, Applicant submits that Wood is not likely to have been included in the scope of relevant technologies considered by someone attempting to solve the problems solved by the present invention. Specifically, Wood relates to a portable fire kit and is classified in Class 44/534, which relates to fuel or fuel compositions that are shaped for easier combustion. In contrast, the present invention relates to a device for shipping a liquid, and has been classified in Class 220/495.0, which relates to subject matter that includes a receptacle having a pliant layer of material inside the receptacle which serves as a substitute inner surface for, and which can be withdrawn from, the receptacle. One seeking to build an improved shipping container, with a stated purpose of *protecting* the contents of the container, would not look for relevant teachings among disclosures relating to fuels in combustible packages.

Second, Applicant respectfully submits that one of ordinary skill would not be motivated to consider the teachings of the Wood reference for any purpose. Between the singing cowboy and cactus in Figure 1, the numerous misspellings throughout the specification, and the recitation of “paraffin” as a fire-retardant, even a lay reader might suspect a lack of expertise in Wood.

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<sup>1</sup> The limitations of claim 18 were incorporated into claim 1 in the previous Response and claim 18 has therefore been canceled.

Thirdly, Applicant respectfully disagrees with the Examiner's citation of Wood as teaching the use of "a box (12) being coated with an intumescent fire retardant coating." While it is true that Wood suggests the use of a fire retardant coating, Wood does not teach or even suggest the use of an intumescent coating. Not all fire retardants are intumescent.

An "intumescent" is defined in *Wikipedia*<sup>2</sup> as a "substance which swells as a result of heat exposure, thus increasing in volume and decreasing in density." In the present specification, the intumescent coating is described as follows:

Examples of suitable fire-retardant coatings include, for example the intumescent coatings disclosed in U.S. Pat. No. 3,934,066, the disclosure of which is incorporated herein by reference. Specifically, U.S. Pat. No. 3,934,066 discloses intumescent coating compositions which include resinous or non-resinous carbonifics.

Paragraph [0026] of the application as-published. A "carbonific" is defined at About.com<sup>3</sup> as "a chemical compound that, upon decomposition, produces a mass of carbon, which frequently occupies a volume much greater than the original unburned materials.

Thus, under either the ordinary meaning of the word or the definition attributed to it in the specification, the recitation of an "intumescent" coating requires one that expands upon burning. The cited passage in Wood, col. 3, ll. 41-53, reads:

"To yet further retard the fire consumption of cardboard box 12, a fire retardant [*sic*] coating 19, such as paraffin, dried glue, or sodium silicate, is applied to a bottom portion of box 12 to allow the layerd [*sic*] combustibles, 22, 23, 24 and 25 sufficient time to begin burning and thus avoid early collapse of the contents."

Nothing in Wood teaches or suggests the use of an intumescent coating or the advantages of an intumescent coating.

Thus, Applicant respectfully submits that even if one of ordinary skill in the art were referring to the Wood reference, he would not be led to include an intumescent coating on the recited container and would not be provided with even the faintest understanding of how to accomplish such a coating.

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<sup>2</sup> <http://en.wikipedia.org/wiki/Intumescent>

<sup>3</sup> <http://composite.about.com/library/glossary/c/bldef-c944.htm>

Conclusion

In view of the foregoing, Applicant believes that the pending claims are in condition for allowance and respectfully request favorable consideration by the Examiner. Should the Examiner find any impediment to the prompt allowance of the claims that can be corrected by telephone interview, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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